



DOCKET NO. 354533-002
SERIAL NO. 09/292,887

REMARKS

This paper is responsive to the Office Action dated January 28, 2002, and is accompanied by a Request for Continued Examination and the required fee. Accordingly, this paper is timely filed on or before April 28, 2002. The status of the claims is as follows:

Amended:	1 and 12
Cancelled:	None
New:	None
Pending:	1-20
Allowed:	None

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The number of claims remains within that permitted under the filing fees previously paid. No new matter is presented.

In the Official Action, Claims 1 and 5 were rejected under 35 USC 102(b) as anticipated by Wells Fargo (Dialog file 16, document number 02812176). Claims 12 and 16 were rejected under 35 USC 102(b) as anticipated by, or, in the alternative, as obvious over Wells Fargo. Claims 2-4, 6, 11 and 13 were rejected under 35 USC 103(a) as unpatentable over Wells Fargo. Claims 7 and 14 were rejected under 35 USC 103(a) as unpatentable over Wells Fargo in view of Borowsky (Dialog file 15, document number 00729051). Claim 10 was rejected under 35 USC 103(a) as being unpatentable over Wells Fargo in view of CardTrak (p. 2/3). Claims 8, 9, 15 and 17-20 are rejected under 35 USC 103(a) as being unpatentable over Wells Fargo in view of Borowsky and CardTrak.

Without conceding the validity of any of these rejections, Applicant has elected, solely to expedite prosecution, to pursue aspects of the invention that were identified by the examiner as potentially allowable. In the Official Action, the examiner states:

15. Applicant noted as an advantage of the invention that "the credit card issuers need not be connected to the lending institution". **Examiner acknowledges that this limitation is not taught by or obvious from the prior art made of record, and would constitute allowable matter** if (1) it can be shown that this limitation is in the specification (or is added by a CIP) and (2) a search does not identify new art teaching or suggesting this limitation. A request for reconsideration must be made by RCE or CIP. (emphasis added)

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Applicant has amended claims 1 and 12 to recite that "the credit card issuer and lending institution are not the same financial institution." The claims as amended are fully supported by the application as filed. For example, Figure 1 shows the Lending Institution 30 and Credit Card Issuer 10 as separate entities. The specification as filed explicitly sets forth examples in which the credit card issuer and lending institution are not the same financial institution:

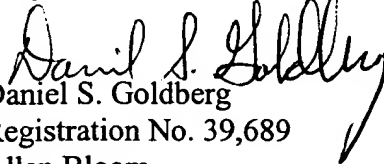
During the installment loan verification step S7, the credit card holder 20 will be afforded the opportunity to advise the credit card issuer 10 of any change in the identity of the lending institution 30. For example, the credit card holder 20 will be ~~given the opportunity to advise the credit card issuer 10 of a~~ change in the identity of the lending institution 30 holding the note for the installment loan precipitated by, for example, a refinancing of the installment loan through a different bank or financial institution. Page 9, lines 9-14.

As stated in the previous amendment, the invention as claimed is directed to a credit card incentive system in which a credit card issuer makes a payment on behalf of a credit card holder. This payment is made to a lending institution to be applied against outstanding principal on a note for a loan made to the credit card holder. One advantage of the invention is that the credit card issuers need not be connected to the lending institution (e.g., as would be required to secure a lower interest rate). Another advantage of the invention is that the credit card holder gets continual rebate benefits from use of the credit card, as opposed to a one time benefit at the time the home mortgage is established. These and other advantages are readily apparent from the claims as amended. Claims 1 and 12 are allowable because the prior art lacks the structure of the invention as claimed, and fails to disclose or suggest any comparable structure for performing similar functions.

Conclusion

In light of the above discussion, it is respectfully submitted that the claims are in condition for allowance. The issuance of a Notice of Allowance is earnestly solicited.¹

Respectfully submitted,


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¹ FEE DEFICIENCY

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Version of Claims with Markings to Show Changes Made

1(amended). A credit card incentive system, wherein a credit card issuer makes a payment on behalf of a credit card holder to a lending institution to be applied against outstanding principal on a note for a loan made to the credit card holder, which note is held by the lending institution, wherein the credit card issuer and lending institution are not the same financial institution.

12 (amended). A computerized method for providing credit card incentive payments, comprising:

- a) establishing a credit card account between a credit card issuer and a credit card holder, wherein the credit card holder has a loan with an outstanding principal balance for which a lending institution holds a note, wherein the credit card issuer and lending institution are not the same financial institution;
- b) issuing a credit card to the credit card holder;
- c) (1) periodically calculating the value of all purchases made by the credit card holder using the credit card during a period of time;
- d) periodically calculating an installment loan benefit amount; and,
- e) periodically paying to the lending institution the installment loan benefit amount, wherein the installment loan benefit amount is applied against the outstanding principal balance.

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